

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

June 17, 2021
9:32 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Jay Swart, Vice Chairman
Mr. Nathan Andersen
Mr. Kevin Danzeisen
Mr. Jimmy Lindblom
Ms. Kate McGee
Ms. Francisca Montoya

MEMBERS ABSENT:

Mr. Greg Arnett, Chairman
Mr. Matt Gress
Mr. Erik Hernandez
Mr. Lucas Schlosser

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Erin Novotny, Management Assistant

CONTINUANCE:

Z2021035

CONSENT:

**S2020023, S2021006, Z2019015, Z2021003, Z2021004,
Z2021006, Z2021024, Z2021027**

REGULAR:

Z2021043, Z2021011

Chairman Arnett not in attendance, Vice Chair Swart is acting Chairman.

Chairman Swart made the standard announcements, and asked if there were any changes or comments to the minutes for April 8 and April 22. None.

COMMISSION ACTION: Chairman Swart approved the April 8, 2021 and April 22, 2021 minutes as written.

Mr. Gerard said Item #1 – Z2021035 is being moved to the regular agenda due to an error with public notification.

CONTINUANCE AGENDA

Zoning - Z2021035

District 5

Project name: **55th & Baseline**
Applicant: Heather Personne, Evolve Ventures
Request: Zone change from Rural-43 to C-2
Location: Generally located at the SWC and SEC of 56th Ave. and Baseline Rd. in the Laveen area

No motion required by the commission. Case is being continued to the July 8, 2021 hearing.

CONSENT AGENDA

Preliminary Plat - S2020023

District 4

Project name: **Granite Vista Phases 2H & 2I**
Applicant/Owner: Kimley-Horn / Sunset Tartesso LLC
Request: Preliminary Plat for 157 lots and 17 tracts in the R1-6 RUPD PAD and R1-8 RUPD PAD zoning districts
Location: Generally located 1,500' west from the southwest corner of Olive Ave. and Cotton Ln. in the Glendale area

Preliminary Plat - S2021006

District 4

Project name: **Granite Vista Phase 2J**
Applicant/Owner: Kimley-Horn / Sunset Tartesso LLC
Request: Preliminary Plat for 60 lots and 4 tracts in the R1-7 RUPD PAD zoning district
Location: Generally located 2,890' southwest from the corner of Olive Ave. and Cotton Ln. in the Glendale area

Special Use Permit - Z2019015

District 3

Project name: **1215 W. Hatfield Rd.**
Applicant/Owner: Pete Sinkovich
Request: Special Use Permit (SUP) for an Interim Industrial Use to accommodate outdoor storage of construction materials, equipment and recreational vehicles in the Rural-43 zoning district
Location: Generally located ¼ mile southeast of the southeast corner of 15th Ave. and Happy Valley Rd. in the Phoenix area

Zoning - Z2021003

District 4

Project name: **Riverwalk**
Applicant: Malik Brown, Bowman Consulting Group
Request: Rezone site from R-4 and C-1 to R1-6 RUPD
Location: Generally located on the NEC of Olive Ave. and 99th Ave. in the Sun City area

Zoning - Z2021004**District 4**

Project name: **Glendale Storage**
Applicant: Carter Brown, Val Vista Builders
Request: Zone Change from C-2 and R-5 to IND-2 IUPD to accommodate long-term storage of semi-truck trailers, vehicles, busses and recreational vehicles
Location: Generally located 789-feet west of the southwest corner of Glendale Ave. and El Mirage Rd. in the Glendale area

Zoning - Z2021006**District 1**

Project name: **Shoreline Financial**
Applicant: Steven Nevala – FINN Architects, LLC
Request: Zone Change from C-2 to C-2 CUPD with a Plan of Development (POD) for a financial office and barber shop
Location: Generally located approx. 75' east of the intersection of Gilbert Rd. & Long Meadow Dr. in the Gilbert area

Zoning - Z2021024**District 2**

Project name: **Ameripark RV & Boat Storage Facility**
Applicant: Jonathan Strawther, SimonCRE
Request: Zone Change from C-2 to C-3 CUPD
Location: Generally located on the SWC of Ellsworth Rd. and Apache Trail, in the Mesa area

Special Use Permit - Z2021027**District 5**

Project name: **51st Ave. & Roeser Rd.**
Applicant: Shaine Alleman, Tiffany & Bosco
Request: Special Use Permit (SUP) for semi-truck & trailer storage in the Rural-43 Zoning District
Location: Approx. 1,300 ft. west of the NEC of 51st Ave. and Roeser Rd., in the Phoenix Area

Mr. Gerard presented the consent agenda.

Commissioner Andersen had questions and concerns on consent Item #10 – Z2021043 and asked the case be moved to the regular agenda for further discussion.

COMMISSION ACTION: Commissioner McGee motioned to approve the consent agenda, S2020023 with conditions 'a'-'n', S2021006 with conditions 'a'-'m', Z2019015 with conditions 'a'-'k', Z2021003 with conditions 'a'-'i', Z2021004 with conditions 'a'-'i', Z2021006 with conditions 'a'-'g', Z2021024 with conditions 'a'-'f', and Z2021027 with conditions 'a'-'g'. Commissioner Montoya second. Approved 6-0.

S2020023 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Granite Vista – Phase 2H & 2I" consisting of 9 full-size sheets, dated stamped received May 14, 2021, except as modified by the following conditions.

- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "Granite Vista: Master Planned Community – Pre-Plat Narrative", consisting of 26 pages, dated stamped received February 17, 2021, except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
 - 1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 - 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 - 3. An updated Traffic Impact Study (TIS) is required with the first submittal of the final plat.
 - 4. The Developer shall submit final traffic signal plans to Maricopa County before final plat approval and construct the interim signal at the intersection of Northern Avenue & Cotton Lane by 50% completion of planning areas C4, C5, & C6.
- d. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- e. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- f. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services Department (MCESD) subject to their procedures.
- g. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable Fire District servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.

- h. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

- i. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation. When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at (602) 506-8797 for information regarding the SLID establishment process.

NOTE: Maricopa County is not responsible for public street lighting operation or maintenance. Please contact the local power utility company regarding streetlight operation and maintenance.

- j. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- k. Preliminary Plat approval shall expire two (2) years from the date of Commission approval.
- l. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.
- m. In accordance with the Planned Area Development (PAD) Overlay Zoning District, the Final Plat/s shall delineate the zoning district boundary lines for the R1-6 RUPD and R1-8 RUPD zoning districts.
- n. The Final Plat/s shall include a Chart for the R1-6 RUPD PAD and R1-8 RUPD PAD zoning districts, the neighborhood and landscape buffer zones, and general requirements per Z2017057 as shown below:

1. R1-6 RUPD PAD

Max. Height: 30'

Min. Front Yard Setback: 15'

Min. Side Yard Setback: 15' combined, min. 5' one side

Min. Street Side Yard Setback: 10'

Min. Rear Yard Setback: 20'

Min. Lot Area: 5,750 sq. ft.

Lot Area Per Dwelling Unit: 6,000 sq. ft.

Min. Lot Width: 50'

Max. Lot Coverage: 50%

Parking Spaces: 2

I. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 District, the minimum setback is 5' and the combined is 17'. If 5' is proposed for one side, the opposing side must be 12'; if 6' on one side, then 11' on the other side; and so on.

II. An open porch, covered patio or open balcony may project into a rear yard, provided the structure does not come nearer to a common rear lot line than ten (10) feet. See Appendix C for a depiction of the intended encroachment standard.

[Note: MCZO permits detached structures at 3' from rear/side setbacks in all residential zoning districts.]

- III. Roof Overhangs on the sides of all houses shall not exceed 1-foot from the exterior walls of the house. This restriction shall not apply to the roof overhangs on the front of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics.

2. R1-8 RUPD PAD

Max. Height: 30', 20' within Zones A & B (development parcel C6)

Min. Front Yard Setback: 15'

Min. Side Yard Setback: 15' combined, min. 5' one side

Min. Street Side Yard Setback: 10'

Min. Rear Yard Setback: 25'

Min. Lot Area: 8,000 sq. ft., 10,000 sq. ft. within Zone A (development parcel C6)

Lot Area Per Dwelling Unit: 8,000 sq. ft.

Min. Lot Width: 70', 80' within Zone A (development parcel C6)

Max. Lot Coverage: 51%, 40% within Zone A (development parcel C6)

Parking Spaces: 2

Perimeter Fence: 6'(h) along east property line (development parcel C6)

- I. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 District, the minimum setback is 5' and the combined is 17'. If 5' is proposed for one side, the opposing side must be 12'; if 6' on one side, then 11' on the other side; and so on.

- II. An open porch, covered patio or open balcony may project into a rear yard, provided the structure does not come nearer to a common rear lot line than ten (10) feet. See Appendix C for a depiction of the intended encroachment standard. [Note: MCZO permits detached structures at 3' from rear/side setbacks in all residential zoning districts.]

- III. Roof Overhangs on the sides of all houses shall not exceed 1-foot from the exterior walls of the house. This restriction shall not apply to the roof overhangs on the front elevation of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics.

3. Neighborhood and Landscaping Buffer Zones

172ND Dr. Neighborhood (Development Parcel C6):

- I. Developer shall install a 50' minimum landscape buffer/storm water drainage corridor along the west side of this neighborhood. On the east and west sides of this buffer/drainage way, Developer shall plant 24" box trees 20' on center.
- II. Developer shall install a CMU block wall on both Granite Vista's north and east property lines adjacent to the neighborhood that connects to and matches the height of the existing neighborhood CMU wall. Along this perimeter wall (approximately aligned with end of 172nd Drive), Developer shall install a 4' wide pedestrian gate and connect this pedestrian access to the sidewalk on Vista Loop North. The pedestrian gate shall be capable of being locked by the 172nd Drive Neighborhood and shall be constructed of wrought iron with composite wooden slats.
- III. Developer shall install a landscaped buffer on the south side of this neighborhood within Granite Vista, with a total minimum width of 50' between the neighborhood's south property line and the closest homes in Granite Vista. Within these landscape buffers, Developer shall install two rows of 24" box trees 20' on center.
- IV. Developer shall extend a water line from Vista Loop North to the southern end of the 172nd Drive Neighborhood. At the end of this water line, Developer also agrees to install a fire hydrant for the neighborhood.
- V. Developer shall dedicate a Public Utility Easement ("PUE") from Vista Loop North to the neighborhood's property line for the water line/fire hydrant and for potential future use by communication utilities.
- VI. These perimeter walls, landscaping, water line/hydrant and PUE shall be installed in the buffer zones with the adjacent phase of development. Water line and fire hydrant will be installed at same time as wet utilities are installed in the adjacent phase of development. The fence at the north side of the development adjacent to this neighborhood shall be installed within 60 days of grading completion but no sooner than the completion of utility installation, subject to force majeure events.
- VII. The first row of lots to the south and west of this neighborhood shall be a minimum of 10,000 square feet in size and only single level homes may be built on these lots. A footnote to

this effect shall be provided on the RUPD chart of subdivision plats.

175TH Ave. Neighborhood (Development Parcel C6):

- I. Developer shall install a minimum 20' wide landscaped buffer adjacent to the south side of the 175th Avenue Neighborhood with 24" box trees planted 20' on center within this buffer.
- II. This landscaped buffer shall be installed in the buffer zones with the adjacent phase of development and prior to the County's final inspection of the first home in that phase.
- III. The minimum setback from the closest lots in Granite Vista to the 175th Avenue Neighborhood shall be 50'. A footnote to this effect shall be provided on the RUPD chart of subdivision plats.

4. General Requirements

- I. Notice shall be provided in the required Public Report given to all new home buyers by home builders within Granite Vista as to of the existing use characteristics of the rural residential neighborhoods adjoining and/or in close proximity to the Granite Vista property. Such rural use characteristics include crop cultivation and the raising of farm animals.
- II. Notice shall also be provided in the required Public Report given to all new home buyers by home builders within Granite Vista of the pre-existing use characteristics of Luke Air Force Base, which is located approximately 2.4 miles southeast of the subject Property.
- III. Architectural designs of homes in Granite Vista shall include 2-3 elevations per plan and exteriors will be professionally colorized with varying themes. The same house plan and elevation shall not be used next to or across the street from one another. There shall be a mix of one and two story homes, except for lots in identified buffer zones that shall be one story only. This condition shall be included in recorded CC&R's and enforce by the HOA.
- IV. A minimum landscape buffer of 25 feet shall be installed along the Project's Olive Avenue frontage with the adjacent phase of development. The project's perimeter CMU wall along Olive Avenue shall be a minimum of 6'.
- V. The perimeter walls along Citrus, Olive, Cotton and Northern Avenues shall be installed by Developer with the adjacent phase within 60 days of grading completion.

- VI. Street lights internal to Granite Vista will be installed only at T type street intersections.
- VII. Roof overhangs on the sides of all houses shall not exceed 1 foot from the exterior walls of the house. This restriction shall not apply to the roof overhangs on the front elevation of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics. A footnote to this effect shall be provided on the RUPD chart of subdivision plats.
- VIII. A 6' tall perimeter fence or theme wall shall be the minimum height within the Granite Vista project unless they are located in a special buffer zone discussed above.

S2021006 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Granite Vista – Phase 2J" consisting of 7 full-size sheets, dated stamped received April 20, 2021, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "Granite Vista: Master Planned Community – Phase 2J Preliminary Plat Narrative", consisting of 18 pages, dated stamped received January 19, 2021, except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
 - 1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 - 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 - 3. An updated Traffic Impact Study (TIS) is required with the first submittal of the final plat.
 - 4. The Developer shall submit final traffic signal plans to Maricopa County before final plat approval and construct the interim signal at the intersection of Northern Avenue & Cotton Lane by 50% completion of planning areas C4, C5, & C6.
- o. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.

- p. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- q. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services Department (MCESD) subject to their procedures.
- r. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable Fire District servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- s. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

- t. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation. When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at (602) 506-8797 for information regarding the SLID establishment process.

NOTE: Maricopa County is not responsible for public street lighting operation or maintenance. Please contact the local power utility company regarding streetlight operation and maintenance.

- u. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- v. Preliminary Plat approval shall expire two (2) years from the date of Commission approval.
- w. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.
- x. The Final Plat will contain a chart listing the following R1-7 RUPD PAD zoning district development standards, the neighborhood and landscape buffer zones, and general requirements per Z2017057:

1. R1-7 RUPD PAD

Max. Height: 30', 20' within Zone C (development parcel C4)

Min. Front Yard Setback: 15'

Min. Side Yard Setback: 15' combined, min. 5' one side

Min. Street Side Yard Setback: 10'

Min. Rear Yard Setback: 20'

Min. Lot Area: 6,900 sq. ft., 12,000 sq. ft. within Zone C (development parcel C4)

Lot Area Per Dwelling Unit: 7,000 sq. ft.

Min. Lot Width: 60', 90' within Zone C (development parcel C4)

Max. Lot Coverage: 50%, 40% within Zone A (development parcel C4)

Parking Spaces: 2

Primary Subdivision (Community) Entry Monument Signs: 100 sq. ft. sign area, 26' (h) eliminate the base and width requirement

Perimeter Fence: 8'(h) along west property line (development parcel C4) adjacent to the North 177th Ave. LLC property

- I. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 District, the minimum setback is 5' and the combined is 17'. If 5' is proposed for one side, the opposing side must be 12'; if 6' on one side, then 11' on the other side; and so on.
 - II. An open porch, covered patio or open balcony may project into a rear yard, provided the structure does not come nearer to a common rear lot line than ten (10) feet. See Appendix C for a depiction of the intended encroachment standard. [Note: MCZO permits detached structures at 3' from rear/side setbacks in all residential zoning districts.]
 - III. Community Identification Signs, located in the following locations:
 - a. The northwest corner of Cotton Lane and Vista Loop South
 - b. The southeast corner of Citrus Road and Golden Lane
 - c. On the south side of Vista Loop South at the neighborhood park.
 - IV. For purposes of developing a unified Model Home Complex, a maximum of three (3) lots shall be allowed within Parcel A3 which may be a minimum lot width of fifty (50) feet and shall adhere to the Residential Unit Plan of Development Standards for R1-6 RUPD, PAD zoning contained within Table 5 of this narrative.
 - V. Roof Overhangs on the sides of all houses shall not exceed 1-foot from the exterior walls of the house. This restriction shall not apply to the roof overhangs on the front elevation of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics.
2. Neighborhood and Landscaping Buffer Zone
Northern-177 LLC's Undeveloped Land (Development Parcel C4):
- I. The first two rows of lots east of Northern-177 LLC's land shall be a minimum of 12,000 square feet in size with a minimum

width of 90 feet and only single level homes may be built in these first two rows of lots. A footnote to this effect shall be provided on the RUPD chart of subdivision plats.

- II. Developer shall install an 8' perimeter CMU block wall along the west side of Developer's property adjacent to Northern-177 LLC's land.
- III. A perimeter CMU block wall 8' in height shall also be installed along a line that forms the north and east lot lines for the future northern most lot on the Northern-177th LLC property and an open view fence shall be installed along the west side of this same lot to connect to the perimeter wall on Butler Avenue. A row of 24" box trees planted at 20 foot intervals shall be installed on the north and east sides of this wall at the same time.
- IV. The perimeter walls shall be installed in the buffer zones with the adjacent phase of development within 60 days of completion of grading, subject to force majeure events.
- V. If agreeable to Northern-177 LLC's developer, Elliott Homes will connect the out fall of the existing channel along Northern Avenue at the east side of 177th Ave across the frontage of the Northern-177 LLC's property to the proposed channel on the Northern Avenue frontage of Granite Vista. County approval for the alignment of the channel across Northern-177 LLC's property will be the responsibility of Northern-177 LLC.

3. General Requirements

- IX. Notice shall be provided in the required Public Report given to all new home buyers by home builders within Granite Vista as to of the existing use characteristics of the rural residential neighborhoods adjoining and/or in close proximity to the Granite Vista property. Such rural use characteristics include crop cultivation and the raising of farm animals.
- X. Notice shall also be provided in the required Public Report given to all new home buyers by home builders within Granite Vista of the pre-existing use characteristics of Luke Air Force Base, which is located approximately 2.4 miles southeast of the subject Property.
- XI. Architectural designs of homes in Granite Vista shall include 2-3 elevations per plan and exteriors will be professionally colorized with varying themes. The same house plan and elevation shall not be used next to or across the street from

one another. There shall be a mix of one and two story homes, except for lots in identified buffer zones that shall be one story only. This condition shall be included in recorded CC&R's and enforce by the HOA.

- XII. The perimeter walls along Citrus, Olive, Cotton and Northern Avenues shall be installed by Developer with the adjacent phase within 60 days of grading completion.
- XIII. Street lights internal to Granite Vista will be installed only at T type street intersections.
- XIV. Roof overhangs on the sides of all houses shall not exceed 1 foot from the exterior walls of the house. This restriction shall not apply to the roof overhangs on the front elevation of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics. A footnote to this effect shall be provided on the RUPD chart of subdivision plats.
- XV. A 6' tall perimeter fence or theme wall shall be the minimum height within the Granite Vista project unless they are located in a special buffer zone discussed above.

Z2019015 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "1215 W Hatfield Road", consisting of one full-size sheet, dated April 1, 2021, and stamped received April 16, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "1215 W Hatfield Road", consisting of four pages, dated April 8, 2021, and stamped received April 16, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. No encroachment into adjoining Federal Patent Easements shall be permitted unless said easements are abandoned by the County.
 - 2. Historic inflow and outflow drainage locations and characteristics must be maintained.
 - 3. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.
 - 4. Building permits for site improvements/grading must be submitted within 180 days of Board of Supervisors approval.

5. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. The following Maricopa County Environmental Services (MCESD) condition shall apply:
 1. Must obtain a new Notice of Intent to Discharge (NOID) from onsite MCESD program and provide water service information when submitting for building permits.
- e. The following development standards shall apply:
 1. An east street side yard of zero feet.
 2. The use of chain link fences without obscuring materials as screening.
 3. The use of crushed asphalt millings without binding agent for dust control.
- f. Prior to occupying the existing building or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain a Building Permit to retrofit the existing building to meet current commercial building code requirements as applicable, and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
- g. Any structure on the site over 200 sq. ft. or over 12-feet in height, including fences constructed on site prior to January 1, 2000, shall obtain a building/fence permit within 180 days of approval by the Board of Supervisors. Any structure not modified without any observable defect or public safety concern will not require a building permit; however, if these structures have been modified and/or have observable defect or public safety concerns a Certificate of Observable Compliance Permit with a letter of compliance by a registered professional architect or structural engineer shall be provided.
- h. Within 180 days of approval by the Board of Supervisors and prior to zoning clearance for construction permits the property owner shall not encroach into the Federal Patent Easements, rights-of-way or the required 25-feet by 25-feet sight visibility triangles at intersection of driveways, and shall remove all encroachments into the Federal Patent Easements prior to the completion of permits no later than one-year from approval by the Board of Supervisors.
- i. This special use permit shall expire on July 14, 2031, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements

associated with the special use permit shall be removed within 90 days of such expiration or termination of use.

- j. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Z2021003 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Riverwalk", consisting of 25 pages, dated April 23, 2021, and stamped received April 23, 2021, except as modified by the following conditions.
- b. The following Planning Engineering conditions shall apply:
 - 1. No development approval is inferred by this review, including, but not limited to number of proposed building lots, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 - 2. The traffic study is under review at MCDOT. MCDOT comments will be provided to the applicant as part of the preliminary plat review (case number S2021007).
 - 3. Engineering review of re-zone cases is conceptual in nature. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

- c. All buildings subject to noise attenuation as per State law and Maricopa County requirements.
- d. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- g. Concurrent with recordation of subdivision plat/s deed restriction shall be recorded establishing all lots as age restricted so at least one household resident shall be 55+.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- i. The following R1-6 RUPD standards shall apply:
 - 1. Minimum Lot Area: 3,600 sq. ft.
 - 2. Minimum Lot Width: 45'
 - 3. Maximum Lot Coverage: 60%
 - 4. Minimum Front Yard Setback: 10'
 - 5. Minimum Street Side Setback: 5'
 - 6. Minimum Rear Yard Setback: 5'

Z2021004 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Glendale Truck & RV Storage Yard", consisting of one full-size sheet, dated May 17, 2021, and stamped receive May 17, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Glendale Truck & RV Storage Yard", consisting of four pages, dated May 17, 2021, and stamped received May 17, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Retention basins must drain within 36-hours on this site.
 - 2. The access drive to the site from Glendale Ave. must be paved and permits must be obtained from the City of Glendale for the access drive within their jurisdiction.

3. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 4. Detailed Grading & Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.
 5. The subject premises are located within the County's Urbanized Area and will disturb more than one acre. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County Planning and Development Department, will be required prior to the issuance of any building permits required for site development.
- d. The use of this site shall be limited to an outdoor storage facility for semi-trucks/trailers, RVs, busses, delivery trucks, and vehicles.
 - e. There shall be a 30-foot deep landscaping buffer provided along the Glendale Ave. right-of-way on the site.
 - f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - h. The following Luke Air Force Base condition shall apply:

The property owner shall notify future occupants/tenants that they are located near a military airport with the following language:

"You are located on a site in the "territory in the vicinity of a military airport" where aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes an average of approximately 165 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

Such notification shall be permanently posted on not less than a three foot by five-foot sign in front of all leasing offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11-inch sign.

- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Z2021006 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Shoreline Financial", consisting of 1 full-size sheet, dated May 18, 2021, and stamped received May 18, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Shoreline Financial", consisting of 7 pages, dated May 3, 2021, and stamped received May 3, 2021 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; Maricopa

County Stormwater Quality Management and Discharge Control Regulation and current engineering policies, standards and best practices at the time of application for construction.

2. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; Maricopa County Stormwater Quality Management and Discharge Control Regulation and the MCDOT Roadway Design Manual.
- d. The following C-2 CUPD Zoning District standards shall apply:
1. Min. Front Yard – Min. 2' for the north 75' of the west zoning boundary line, min. 10' for the south 75' of the west zoning boundary line
 2. Min. Side Yard – Min. 2' for the north zoning boundary line, min. 10' for the south zoning boundary line
 3. Landscaping – Min. 2' landscaping strip required along Gilbert Road
 4. Sight Visibility Triangles – Sight visibility triangles shall conform to Town of Gilbert sight visibility triangle standard GIL-212 as illustrated on page 7 of the narrative
 5. Uses Permitted – All uses are prohibited except for the following uses: barber and beauty shops, interior decorator shops, offices, photographers/artist studios, shoe repair shops, tailor shops and; accessory buildings and uses customarily incidental to the above listed uses.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Zone Change, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Zone Change, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it

held on the date of application due to such revocation or expiration of the Special Use Permit. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Z2021024 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Mesa Ameripark RV/Boat storage Facility", consisting of 5 pages, dated May 11, 2021, and stamped received May 11, 2021, except as modified by the following conditions.
- b. The following Planning Engineering conditions shall apply:
 1. Retention Basins shall have a maximum side slope of 4:1.
 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction
- c. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- d. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- e. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date

the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- f. The following CUPD standards shall apply:
 - 1. Max Building Height: 25'
 - 2. Parking Spaces Required: 5 Spaces (4 regular 1 ADA)
 - 3. Minimum Site Screening: 8' vinyl panel fence to be installed for the entire perimeter fence, including property line abutting any rural or residential zone boundary.

Z2021027 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "51ST Avenue & Roeser Road", consisting of 1 full-size sheet, dated April 20, 2021 and stamped received May 24, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "51st Avenue & Roeser Road", consisting of 9 pages, dated May 20, 2021, and stamped received May 21, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Offsite flow from the north and east is blocked by existing berms – no additional comments.
 - 2. A final drainage report will be required with submittal for building permit.
 - 3. Provide notes requiring retention basins to drain within 36 hours. Basin revised to be 1-foot deep. Drywells not required.
 - 4. The plans show minor offsite grading to the south of the parcel. This grading either must be removed, or a letter from the adjacent property owner will be required prior to approval of a building permit. This can be revised with Final plan submittal / building permit application.
 - 5. A portion of this parcel is within a zone AE Special Flood Hazard Area (SFHA). This area should be shown on the plans. A Floodplain Use Permit will be required as part of the building permit application (no additional paperwork will be required; it will be generated by PND engineering review staff).
 - 6. The subject premises is located within the County's Urbanized Area and will disturb more than one (1) acre. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be

required prior to issuance of any building permits required for site development.

See: <https://www.maricopa.gov/DocumentCenter/View/6577>

7. Minimum 50 ft. wide paved driveway per MAG Detail: 205, Type S be provided.
 8. STOP sign of 30" X 30" in size be provided at the driveway.
 9. At least 350 ft. of site distance be provided on both sides of driveway by clearing trees/vegetation in the sight triangle.
 10. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 11. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 12. Detailed Grading and Drainage Plans and Final Drainage Report showing the new site improvements must be submitted for the acquisition of building permits.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
1. It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.
- e. This special use permit shall expire on July 14, 2031, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site

improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.

- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

REGULAR AGENDA

Special Use Permit - Z2021043

District 3

Project name: **Shangri La Resort**
Applicant: Dennis Zwagerman, Dennis Zwagerman Associates Inc.
Request: Removal of condition 'h' of Z2010077 for permanent entitlement of a resort / guest ranch Special Use Permit (SUP) in the Rural-43 zoning district
Location: Approx. 45.54 acres. Generally located 0.35 mile to the southwest of New River Rd. and Shangri La Ln. in the New River area

Mr. Gerard presented Z2021043 and noted Shangri La is a resort guest ranch located east of Anthem. The resort has been operating for half a century with tremendous community support. Staff did not receive any opposition. There was one call of concern but did not express any specific opposition. Staff is in support of this permanent entitlement and recommends approval with the conditions in the staff report.

Commissioner Andersen said there is still 16 years remaining on the current Special Use Permit, and asked the reason for this case to come back now, and why eliminate the timeframe. He asked what development has been done around the area in close proximity, and is it still distant and rural in nature. This type of resort is most appropriate when there is significant distance from surrounding development. Mr. Gerard said the owner of the resort property is Mr. Kraus, and he has purchased half of the surrounding

properties adjacent to the resort with an exception of State Trust Land to the northwest. He owns the property adjacent to the east and southeast which has developed, and owns half of the property to the southwest which is undeveloped. To the north he owns one out of three adjacent properties, and the other two are undeveloped. A lot of the land east and south are also buffered by a large natural wash. Part of the county trail systems is hoping to utilize this wash, and there are signs notifying users of this community. During the hot summer months they open their pool to the community and have different attire rules on those days. The applicant's representative can speak to the entitlement.

Mr. Dennis Zwagerman said he is a planning consultant representing the applicant and the primary property owner Horst Kraus, who is over 90 years old. This is the reason he is requesting this SUP now, to make sure his family has the opportunity to continue this resort in the future.

Commissioner McGee asked would the notices still be posted around the property as it relates to the various aspects of their resort wear. Mr. Gerard said they never stipulated to the notices, they have worked that out with the community and possibly with the trail commission.

Commissioner Andersen said he wanted to see a broader aerial of the property, and over time development will encroach around this facility as development occurs. Mr. Gerard said there is a larger aerial image in the staff report showing the property Mr. Kraus owns outside of the resort.

Chairman Swart noted on the open pool days they let the community come and swim, and during those days they have different restrictions for appropriate attire for open public pool days.

Commissioner Andersen said this is a use that was approved for a specific period of time with a tremendous amount of time with that use. He is uncomfortable supporting a permanent entitlement for this kind of use. He would prefer the applicant come back when it gets closer to expiring to determine whether it is still appropriate given the surrounding development at that period of time.

Chairman Swart said 16 years is a long time left on the SUP. The family are heirs to the estate, and he doesn't think it has anything to do with having to be done now based on that fact alone.

COMMISSION ACTION: Commissioner Andersen motioned to deny Z2021043. Commissioner Montoya second. Denied 6-0.

Zoning - Z2021011 (Cont. from 5/13/21)

District 5

Project name:	Ed Pastor & Baseline
Applicant:	William F. Allison, Withey Morris, PLC
Request:	Modification of Zone Change case Z2015074 to add condition "g" to permit billboard at 0' setback and with increased height and size
Location:	Generally located at northwest corner of Baseline Rd. and 61 st Dr. alignment in the Phoenix area

Ms. Applegate presented Z2021011 and noted this case was continued from the May 13 commission hearing to allow the applicant additional time to discuss the proposal with the Laveen Planning Committee. The applicant has provided the county with a summary of the discussion included in the staff report. The request is to add a condition to the zoning case Z2015074 to permit a billboard at 0 feet setback from the east property line with increased sign face of 672 square feet, and height of 70 feet along with deviations from walls and screening associated with the billboard. Since the printing of the staff report staff received two letters in opposition. Staff recommends an approval with conditions 'a'-'h' as outlined in the staff report.

Mr. Bill Allison with Withey Morris said he is representing Lamar and the property owner. They are looking to modify conditions of approval on case Z2015074 to allow a sign at 9 feet setback where 10 feet is the standard, and allow a sign at 70 feet where 30 feet is the standard, and allow a sign with 672 square feet where 300 square feet is the standard, and eliminate perimeter screening of the property. They talked with the Laveen Planning Committee on June 7 where they had a good discussion. The LPC participants were not all in agreement to what was appropriate at the site. They were agreeable to turn the lights off at night at 11 o'clock. His client will not be co-locating with wireless communications, but if they were to do that they would not put it on top of the sign. This is something his client doesn't typically pursue along with any solar. They didn't make a lot of progress at the meeting, but are asking for the bare minimum for this billboard to work. We did look at other billboards along the Loop 202 and in the south east valley. Along the Loop 202 these billboards are 14'x48' the industry standard, they are also over 30 feet in height and some of them are in the county and other in the city. The City of Phoenix does allow billboards along the South Mountain 202 freeway, they are allowed by right at 48 feet in height, 14'x48' in size, and go up to 70 feet in height through a public hearing process. There are similar billboards that have been approved and built along the Loop 202 on the west and east valley. A deviation from standard for height and size is not unprecedented and it is common in the area. There will be walls and screening once the property is developed. He asked the commission to approve with staff recommendations and conditions, with an additional condition that the illumination on the sign to be turned off at 11 o'clock in the evening.

Ms. Lisa Perez said she is against billboards, and she has seen an infiltration of billboards since opening the Loop 202. The county is going against their own design standards in this case. The applicant says he is asking for the bare minimum but he is not, he is asking for double the height and zero setback. The freeway has been planned for 30 years, and the design of it was solidified 5 years before it was built so the curves and the height should not be a surprise to anybody. The county is going against their own policies and procedures and it is frustrating for an individual and a resident. This should not be approved and it will most likely be annexed in the future to the City of Phoenix and we will be stuck with it.

Commissioner Andersen said generally the commission evaluates each billboard sign request based upon the unique characteristics of the area and the location of the sign. As a land use perspective, he is comfortable with the billboard in this location, the characteristics of the sign and the freeway, the surrounding area, and the height and the size that is being proposed.

Commissioner Montoya said at last meeting she wanted to make sure there was community input, and that was the reason she asked for the continuance. She understands there were meetings held and she appreciates the willingness to accept some of the recommendations from the community members, and she doesn't think it went far enough so she is a no vote.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2021011 with conditions 'a'-'i' with new condition 'i'. Commissioner McGee second. Approved 4-1-1.

- a. Development of the site shall be in substantial conformance with the Narrative report entitled, "LGP Enterprises, INC. Zone Change Modification of Conditions of Z2015074 NWC Ed Pastor Fwy Loop 202 and Baseline Road Z2021011", consisting of 22 pages, dated April 08, 2021, and stamped received April 9th, 2021, except as modified by the following conditions.
- b. A Commercial Unit Plan of Development (CUPD) is applied to the site specifically to limit the C-2 permitted uses to those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated via individual septic systems until such time that either sewer service is provided or effective annexation by the City of Phoenix.
- c. A Plan of Development (POD) for a single off-site sign is permitted with the following deviation standards:
 1. Maximum Off-Site Sign Height of 70 feet.
 2. Maximum Off-Site Sign Area of 678 square feet.
 3. Minimum setback of 0' from the east property line along Ed Pastor Freeway/Loop 202.
 4. No walls or screening required at the time of billboard permitting and construction but will be required when the property is developed.
- d. Unless the site is effectively annexed into the City of Phoenix, a Plan of Development (POD) is required prior to construction permitting.
- e. The site may be (re)developed and used for any use that is statutorily exempt from County zoning authority without POD or permit.
- f. The following Planning Engineering condition shall apply:
 1. Pending ADOT's right-of-way acquisition along Baseline Road, the applicant shall preserve a total half-width right-of-way of 65 feet along Baseline Road.
- g. The property owner/s and their successors waive claim in diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- i. **Any billboard lighting / illumination shall be turned off at 11:00 p.m.**

Commissioner McGee said having voted with the majority on agenda item Z2021043, she requests consideration of the same to be placed on a future agenda. If the Shangri La owners wished to go forward with their enormous community support we then could take another look and address Commissioner Andersen's concerns. Mr. Peck said there is a process where the applicant can request reconsideration. The current application was to remove a condition for the time, and if they came back in a year they would be asking for a different application. There is no prejudice in what happened today, they can come back at any point to get it extended or removed.

Mr. Gerard said this item will proceed to the Board of Supervisors, they will hear this matter and either deny, approve or continue it. Commissioner McGee said with that she would like to withdraw her motion.

Chairman Swart adjourned the meeting at 10:29 a.m.

Prepared by Rosalie Pinney
Recording Secretary
June 17, 2021